

REMARKS:

In the foregoing amendments, the abstract of the disclosure was amended to remove form and legal phraseology and not to exceed 150 words in length, as suggested in the outstanding Office action. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the objection to the abstract of the disclosure as set forth in the outstanding Office action.

In addition, claim 1 was amended in the foregoing amendments. Amended claim 1 defines that the control means measures a switching time; the time it takes for switching the electric operating means from the forward position through the neutral position to the backward position, or from the backward position through the neutral position to the forward position; when the electric output means outputs a forward signal or a backward signal. As defined in amended claim 1, when the switching time is not longer than a preset time, the control means outputs a first modulate signal for delaying the return times from the forward position to the neutral position and from the backward position to the neutral position to the electromagnetic pump inclination angle control mechanism. These aspects of applicant's claimed invention are described in the paragraph bridging pages 17 and 18 and elsewhere in the present specification.

In the outstanding Office action, claims 3-11 were not rejected over prior art. The Official action objected to these claims as containing allowable subject

matter, and stated that these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant greatly appreciates the indication of allowable subject matter in claims 3-11.

Claims 1 and 2 remain in the application for consideration by the examiner. These claims were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 4,075,841 of Hamma *et al.* (Hamma). The Official action stated that Fig. 8 of Hamma anticipates the invention set forth in claims 1 and 2. The Official action noted Fig. 8 of Hamma, which is discussed at Col. 7, lines 5-56, thereof. The operation of the electromagnetic control system shown in Fig. 8 of Hamma is discussed at Col. 7, lines 27-53, thereof.

Applicant respectfully submits that the teachings of Hamma do not disclose or suggest the invention as set forth in present claims 1 and 2 within the meaning of 35 U.S.C. §102(b) or 35 U.S.C. §103(a) for least the following reasons.

The electromagnetic control system proposed in Fig. 8 of Hamma provides a delay when switching between forward and backward directions by a selector. This is achieved by inhibiting means effective upon switching of the selector to delay a change in sign of the transmitted torque until after reverse displacement of the switchover member by its biasing means. See, for example, Hamma at Col. 2, lines 15-24. In the system proposed in Fig. 8 of

Hamma, the amount of time delay can be changed by the use of an adjustable resistor 87. However, the delay proposed in Hamma is independent of the time associated with moving the controller between the forward and backward positions, as required in applicant's claim 1.

Present claim 1 defines that the control means measures a switching time. The switching time is the amount of time it takes an operator to switch the electric operating means from the forward position through the neutral position to the backward position, or from the backward position through the neutral position to the forward position; when a forward signal or a backward signal is output by the electric operating means. The control means when compares this switching time to a preset time. If the switching time is not longer than the preset time, the control means outputs a first modulate signal for delaying the return times from the forward position to the neutral position and from the backward position to the neutral position to the electromagnetic pump inclination angle control mechanism.

In summary, the delay proposed in Hamma is independent of the time associated with moving the controller between the forward and backward positions through the neutral position. The teachings of Hamma do not contemplate or suggest measuring a switching time of switching the electric operating means, as the required in present claim 1. Therefore, it is impossible for the teachings of Hamma to contemplate or suggest that the control means

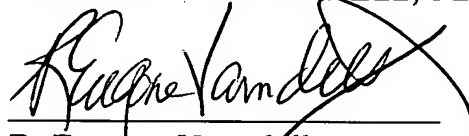
outputs a first modulate signal for delaying the return times from the forward position to the neutral position and from the backward position to the neutral position to the electromagnetic pump inclination angle control mechanism, based on a comparison of the switching time to a preset time by the control means, as also required in applicant's claim 1.

At least for the foregoing reasons, applicant respectfully submits that claims 1 and 2 are patently distinguishable from the teachings of Hamma within the meaning of 35 U.S.C §102 or 35 U.S.C. §103. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the prior art rejection of applicant's claim set forth in the outstanding Office action.

In light of the above, a formal allowance of claims 1-11 is respectfully requested. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which may become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,  
VARNDELL & VARNDELL, PLLC

A handwritten signature in black ink, appearing to read "R. Eugene Varndell, Jr.", is written over a horizontal line. The signature is stylized and cursive.

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